

Paper 1

Mail Stop Interference
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Filed 10 July 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

VISHVA M. DIXIT
Junior Party
(Application No. 08/826,577),

v.

JOHN C. REED,
AND TAKAAKI SATO
Senior Party
(Patent 6,172,187)

Patent Interference No. 105,637
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part A. Declaration of interference
2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)
4 and claims designated as corresponding or as not corresponding to the count(s) appear
5 in Parts E and F of this DECLARATION.

6 Part B. Judge managing the interference

7 Administrative Patent Judge Sally Gardner Lane has been designated to manage
8 the interference. Bd. R. 104(a).

9 Part C. Standing order

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 Part D. Initial conference call

13 A telephone conference call to discuss the interference is set for 4 September
14 2008 at 2:00 p.m. (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as Form 2
19 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
20 the conference call and to agree on dates for taking action. A typical motion period
21 lasts approximately eight (8) months. Counsel should be prepared to justify any request
22 for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named Inventors: Vishva M. Dixit
Ann Arbor, Michigan

Involved Application: 08/826,577, filed 02 April 1997

Title: CD40 BINDING COMPOSITIONS AND METHODS OF USING SAME

Assignee: None of record

Senior Party

Named Inventors: John C. Reed
Carlsbad, California

Takaaki Sato
San Diego, California

Involved Patent: 6,172,187, issued on 09 January 2001,
Application 08/697,610, filed 27 August 1996

Title: CD40 ASSOCIATED PROTEINS

Assignee: La Jolla Cancer Research Foundation

The senior party is assigned exhibit numbers 1001-1999. The junior party is

29 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party
30 is responsible for initiating settlement discussions. SO ¶ 126.1.

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1 Part F. Count and claims of the parties

2 Count 1

3 Claim 42 of Dixit (08/826,577).

4 The claims of the parties are:

5 Dixit : 42, 45, 48, and 56

6 Reed : 1-21

7 The claims of the parties which correspond to Count 1 are:

8 Dixit : 42 and 48

9 Reed : 1, 2, 4-6, 15, 16, and 19

10 The claims of the parties which do not correspond to Count 1, and therefore are

11 not involved in the interference, are:

12 Dixit : 45 and 56

13 Reed : 3, 7-14, 17, 18, 20, and 21

14 The parties are accorded the following benefit for Count 1:

15 Dixit: 008/404,832, filed 13 March 1995

16 Reed: 08/349,357, filed 02 December 1994

1 Part G. Heading to be used on papers
2

3 The following heading must be used on all papers filed in this interference, see
4 SO & 106.1.1:

5
6 UNITED STATES PATENT AND TRADEMARK OFFICE
7

8
9 BEFORE THE BOARD OF PATENT APPEALS
10 AND INTERFERENCES
11

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13 VISHVA M. DIXIT
14 Junior Party
15 (Application No. 08/826,577),
16

17 v.
18

19 JOHN C. REED,
20 AND TAKAAKI SATO
21 Senior Party
22 (Patent 6,172,187)
23

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25 Patent Interference No. 105,637(SGL)
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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite

processing of the request. Please attach a copy of Parts E and F of this

DECLARATION with a hand-drawn circle around the patents and applications for which

a copy of a file wrapper is requested.

/Sally Gardner Lane/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 6,172,187
Copy of claims of 08/826,577

Revised 3 January 2006

1 cc (via overnight delivery):

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3 Counsel for Dixit:

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9

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